

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-74-T - ORDER NO. 2006-747  
DECEMBER 15, 2006

IN RE:	Application of Jimmy Moore d/b/a Jimmy	) ORDER APPROVING
	Moore Moving, 59 Orr Street., Greenville,	) APPLICATION TO
	South Carolina 29605, to Amend Class E	) AMEND CLASS E
	(HHG) Certificate of Public Convenience and	) CERTIFICATE
	Necessity	)

**I. INTRODUCTION**

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Jimmy Moore d/b/a Jimmy Moore Moving (Moore or the Company) to amend its Class E (Household Goods) Certificate of Public Convenience and Necessity. The Company's original Certificate was granted by Order No. 1999-505 in Docket No. 1999-074-T, dated July 15, 1999, which granted authority for the Company to transport household goods between points and places in Greenville and Spartanburg Counties, South Carolina. Moore now proposes that this Commission approve an amendment to the Certificate to allow it to transport household goods between points and places in South Carolina. In other words, Moore is now requesting statewide authority.

The Commission's Docketing Department instructed Moore to publish a Notice of Filing in newspapers of general circulation in the Company's service area. Moore filed affidavits showing that it had complied with the instructions of the Docketing

Department. No Protests or Petitions to Intervene were filed. Accordingly, a hearing was held on November 9, 2006 at 2:30 p.m. in the offices of the Commission, with the Honorable G. O'Neal Hamilton, Chairman, presiding. Jimmy Moore appeared pro se. Wendy B. Cartledge, Esquire, represented the Office of Regulatory Staff (ORS). Mr. Moore testified on his own behalf and presented two witnesses, Douglas M. Wilson and Mary Ann Page. The Office of Regulatory Staff presented L. George Parker, Jr. as its only witness.

## **II. SUMMARY OF TESTIMONY**

Jimmy Moore testified that since the Company was issued its first certificate, its business has grown substantially. Further, Moore also testified that he has been forced to decline a significant number of jobs recently because of the limitations imposed by his being certificated to operate only in Greenville and Spartanburg Counties. According to Mr. Moore, the number of families relocating from the Upstate to other parts of South Carolina has increased substantially in recent times, and the demand for statewide moving has grown accordingly. In anticipation of obtaining statewide authority, Moore stated that he has acquired additional equipment and increased his capacity to perform a larger volume.

Moore also presented the testimony of Douglas M. Wilson, a former real estate agent and current restaurant owner and real estate investor. Mr. Wilson testified that he is personally familiar with Moore's service and has found it to be exceptional. He further testified that he has referred friends and associates to Moore for their household goods moving needs. Mary Ann Page, a real estate agent with Coldwell Banker in Greenville

also offered her testimony. She testified that she refers all of her clients moving within the area in which Mr. Moore has been authorized to Jimmy Moore Moving. She testified that her clients have had only positive experiences with Moore, so far as she is aware, and that she believes that the market can easily support another statewide mover offering high quality service.

The Office of Regulatory Staff presented the Commission with the testimony of L. George Parker, Jr., who testified that he had performed all of the necessary inspections with regard to Moore's operation, and that he was satisfied that Moore would comply with all applicable Regulations, including insurance and inspection requirements.

### **III. APPLICABLE LAW**

S.C. Code Ann. Section 58-23-590(C ) (Supp. 2005) provides in part as follows:

“The Commission shall issue a common carrier certificate or contract carrier permit of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the commission's regulations; and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.” 26 S.C. Code Ann. Regs. 103-133 (Supp. 2005) provides in Subsection (1) in part that “An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing

authorized service....” The regulation goes on to discuss the terms “fit, willing, and able,” and to define them. “The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate or the Commission determine that the applicant’s safety rating is satisfactory. This can be obtained from U.S.D.O.T and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission’s insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to “fit and able,” the submitting of the application for operating authority would be sufficient demonstration of the applicant’s willingness to provide the authority sought.”

#### **IV. FINDINGS OF FACT**

After full consideration of the Application, the testimony presented, and the applicable law, the Commission makes the following findings of fact:

1. Jimmy Moore, d/b/a Jimmy Moore Moving, is a moving service enterprise which presently holds a Class E (Household Goods) Certificate of Public Convenience and Necessity to transport household goods between points and places in Greenville and Spartanburg Counties, South Carolina. Moore is seeking an amendment of that Certificate so as to provide such transportation between points and places in South Carolina, i.e. on a statewide basis.

2. Jimmy Moore, d/b/a Jimmy Moore Moving, is fit, willing, and able to provide and properly perform the services which it seeks to provide. “Fit” has been demonstrated by the experience of Moore and his personnel in the moving industry and by evidence that Moore will operate in compliance with all statutes and regulations pertaining to for-hire motor carrier operations. Further, there are no outstanding judgments pending against Moore. “Able” was demonstrated by the evidence of record which reveals that Moore has several years experience in the movement of household goods, and has obtained more equipment for the provision of moving services. The evidence indicates that Moore possesses the financial wherewithal to conduct its expanded business. “Willing” was demonstrated by the filing of the Application and the testimony of Mr. Moore indicating his desire to expand its business in South Carolina.

3. The expanded services proposed by Moore are required by the public convenience and necessity. We find that the testimony and evidence presented on behalf

of Moore clearly established that the public convenience and necessity warrant the issuance of the amended certificate for the provision of the statewide transportation of household goods.

#### **V. CONCLUSIONS OF LAW**

Based upon the above Findings of Fact and the applicable law, the Commission concludes as follows:

1. The Commission concludes that Jimmy Moore, d/b/a Jimmy Moore Moving has demonstrated that it meets the requirements of fit, willing, and able for an amended certificate as set forth in 26 S.C. Code Ann. Regs.103-133 (Supp. 2005).

2. The Commission concludes that Jimmy Moore, d/b/a Jimmy Moore Moving has sufficiently demonstrated through its presentation that the public convenience and necessity in the additional area in which he proposes to serve requires the services proposed by the Application.

3. Based on the conclusions above, the Commission concludes that Jimmy Moore, d/b/a Jimmy Moore Moving has demonstrated that he meets the requirements of fit, willing, and able and that he has demonstrated that the public convenience and necessity require the additional services that he proposes. The Commission further concludes that an amended Class E Certificate of Public Convenience and Necessity should be granted and that Jimmy Moore, d/b/a Jimmy Moore Moving should be authorized to provide moving services as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in South Carolina.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the Application of Jimmy Moore, d/b/a Jimmy Moore Moving for an amendment to its Class E Certificate of Public Convenience and Necessity be, and is hereby, approved for authority for the Company to transport household goods between points and places in South Carolina.

2. Moore shall file (if he has not already done so) with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

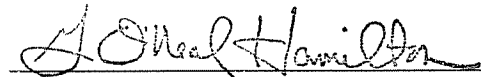
3. Upon demonstration of its compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (1976), as amended, as well as the completion of a site visit by the Office of Regulatory Staff, an amended Certificate shall be issued by the Office of Regulatory Staff to the Company authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of an amended Certificate, the motor carrier services authorized herein shall not be provided.

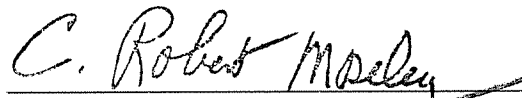
5. Failure on the part of the Applicant to either (1) to complete the certification process by complying with the Commission's requirements of causing to be filed with the Office of Regulatory Staff proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST:

  
C. Robert Moseley, Vice Chairman

(SEAL)